

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CARMEN DANA BARBUR,

Plaintiff,

vs.

UNITED STATES CITIZENSHIP AND

IMMIGRATION SERVICES, *et al*,

Defendants.

2:12-cv-01559-GMN-VCF

ORDER

**(Motion To Stay the Filing of the Discovery
Plan and Scheduling Order #18)**

Before the court is defendants' Motion To Stay the Filing of the Discovery Plan and Scheduling Order. (#18). Plaintiff filed a Response (#24), and defendants did not file a Reply.

A. Background

Plaintiff filed her complaint on August 31, 2012, claiming a violation of her Fifth Amendment Due Process Rights. (#1). Defendants filed a motion to dismiss on October 30, 2012. (#10). Plaintiff filed a motion for summary judgment on November 25, 2012. (#15). The instant motion for stay was filed on December 6, 2012. (#18). Plaintiff filed a motion to amend/correct her complaint (#1) on January 2, 2013. (#21). On January 3, 2013, the court entered a minute order providing plaintiff ten (10) days from the entry of the order to file a response to defendants' motion to stay (#18). (#23). On January 4, 2013, plaintiff filed her response to the motion. (#24).

B. Motion To Stay

Defendants ask this court to stay the filing of a discovery plan and scheduling order, as "[t]he parties have each filed a dispositive motion which may moot the need for discovery." (#18).

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2 Defendants propose that, if necessary, the parties be permitted to file a discovery plan and scheduling
3 order within 45 days from the court's decision on the second dispositive motion. *Id.* Plaintiff originally
4 opposed the motion to stay. *Id.* Plaintiff indicates in her response, however, that she "does not oppose a
5 stay of the requirement that the parties file a proposed discovery plan and scheduling order until the
6 [c]ourt has had an opportunity to fully decide the pending dispositive motions," but that she "believes
7 the 45-days requested by the government to file the proposed discovery plan in the event both
8 dispositive motions are denied is excessive." (#24). Plaintiff proposes that the parties be ordered to file
9 the discovery plan and scheduling order within ten days after the court has decided on both motions. *Id.*


10 As both parties agree that it is in the interest of judicial economy and preserving litigation
11 resources to stay the filing of the discovery plan and scheduling order until the court rules on the
12 pending dispositive motions (#10 and #15), the court grants the same. The court finds, however, that the
13 45-days proposed by defendants (#18) is excessive.

14 Accordingly and for good cause shown,

15 IT IS ORDERED that defendants' Motion To Stay the Filing of the Discovery Plan and
16 Scheduling Order (#18) is GRANTED in part.

17 IT IS THEREFORE ORDERED that the filing of the discovery plan and scheduling order is
18 temporarily STAYED. Within fifteen (15) days after the court issues a ruling on both pending motions
19 (#10 and #15), but no later than July 15, 2013, the parties must file a joint status report or, if applicable,
20 a discovery plan and scheduling order.

21 DATED this 17th day of January, 2013.



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23 CAM FERENBACH
24 UNITED STATES MAGISTRATE JUDGE
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